



USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: May 17, 2017

May 16, 2017

BY ECF

The Honorable Katherine B. Forrest
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: United States v. Darcy Wedd, et al.,
15 Cr. 616 (KBF)

Dear Judge Forrest:

We write to provide a status update on the discussions between the parties regarding a retrial date in this case, and to request that the Court schedule a conference at which a retrial date be set.

On May 3, 2017, the Government inquired of defense counsel as to whether they would be available for a retrial sometime between June 20, 2017 and July 28, 2017. The Government's understanding is that Mr. Sercarz is available during that time frame, but that Mr. Nurik is unavailable due to other trial commitments. Mr. Sercarz and Mr. Nurik have jointly proposed beginning the retrial on August 14, 2017.¹ Mr. Simon, however, may not be available on that date. Moreover, the Government's understanding is that Mr. Paek has moved to withdraw as counsel for Mr. Lee, and that a CJA attorney may be appointed to represent him.

In light of the foregoing, the Government respectfully requests that the Court set a status conference in this matter for a date between tomorrow and the end of next week, for the purpose of resolving these scheduling issues and setting a firm retrial date in this matter. The Government also moves to exclude from the Speedy Trial Act's operation the time between tomorrow and the date of that conference, in the interests of justice. See 18 U.S.C. § 3161(h)(7)(A). Mr. Sercarz, Mr. Nurik, and Mr. Simon have indicated, on behalf of their

¹ The Government also notes that Mr. Sercarz will likely become unavailable by the end of September 2017, as he is currently scheduled to begin a four-week trial before Judge Karas on October 16, 2017.

clients, that they have no objection to this exclusion of time.

Respectfully submitted,

JOON H. KIM
Acting United States Attorney

By: /s/ Sarah Paul
Sarah E. Paul/Richard Cooper/
Jennifer L. Beidel
Assistant United States Attorneys
(212) 637-2326/1027/2212

cc: All defense counsel (by ECF)

Ordered
We will proceed to trial ^(very likely) ~~later~~
in/between June 20/ July 28 or
August 14, 2017. A conference to
discuss the date along with
the pre-trial logistics is scheduled
for May 22, 2017 at 10 am.
Time is excluded between
today + May 22, 2017 in the interests
of justice, to allow counsel to discuss
trial schedule.

KTS. Joon

MSJ

5/17/17